

Open access to student-edited law journals

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Originally published in: Student Lawyer, February 2009, Vol. 37, No. 6.

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When student-edited law journal articles are published, they generally reside in law libraries and proprietary, subscription-based databases like LexisNexis, Westlaw, and HeinOnline. Some journals have begun putting their content on their websites, making them available to a wider audience.

But how can we be sure that even more people have access to important legal scholarship? What about readers unfamiliar with typical legal databases or scholars, especially those in other countries, who cannot afford the access fees? How can we be sure that the literature will remain accessible online for the long term, safe from business failures and obsolete file formats? Open access can address all these problems.

Open access means scholarly publications are available without financial constraints on the user except those necessary to use the Internet. Institutional repositories (IRs) are more than just websites where a journal is posted. IRs are databases of content administered by academic institutions, usually libraries.

There are two major advantages IRs have over regular websites. First, they generally use software that complies with data access standards that permit search engines (like Google Scholar) to index the content, making it easier to find. Second, IRs have the resources to migrate articles to new software formats and hardware, thus making long-term access much more likely.

Law journals are generally run by volunteers (authors and student editors usually are not paid for their work) and subsidized by schools that serve the legal profession and general public. The general public often cannot afford the fees for subscription databases, thus leaving unmet a need for high-quality legal information.

Open access also is good for authors and journals because it increases their visibility and scholarly impact. Interdisciplinary scholarship will be advanced when scholars outside the legal academy can access legal writings and analyze how law affects other disciplines. Many IRs also support other types of media files, so data sets, recordings of lectures and conferences, and other supporting material can be added, providing richer information than plain text can convey.

Many journals already put their print issues online and even have online supplements. This is a great start, but journals cannot fully seize the opportunity offered by open access without taking advantage of IRs' capacities for increased accessibility and preservation.

What can journal editors do to better assure long-term accessibility for their journal's content? See if the journal's law school or university has an IR. If so, deposit as much content as possible. If not, editors can encourage their university to establish one, make their own using open source IR software, or optimize their websites for search engines to increase accessibility. Journals also can digitize their back issues, expanding the content available.

Like most worthwhile projects, there are costs to making legal scholarship freely available online. There are operational costs, such as creating digital files and hosting the content, but school libraries may be willing to contribute. Some revenue from hard-copy subscriptions and database royalties may be sacrificed, but open access and subscription models serve different parts of the market. And open access tends to increase the visibility of scholarly work, thus increasing revenue from reprint royalties.

Many recent journal articles are online, and law professors are accustomed to posting working drafts on sites like the Social Science Research Network and Bepress. It is time to put law journals online, easily accessible to all, and to keep them online by preserving them in IRs. Tech-savvy student editors are in an ideal position to make that happen.